

March 9, 2007

**CERTIFIED MAIL**  
**7005 1820 0004 5364 3493**

Mr. Steven Tochko  
Environmental Remediation Manager  
The Boeing Company  
P.O. Box 3707  
M/C 6Y-94  
Seattle, WA 98124-2207

**Re: Notice of Potential Liability under the Model Toxics Control Act for the Release of Hazardous Substances at the following Hazardous Waste Site:**

- Name: North Boeing Field (NBF); Georgetown Steam Plant (GSP)
- Address: 7370 E. Marginal Way South, Seattle, WA (NBF); 6700-13<sup>th</sup> Avenue South, Seattle, WA (GSP);
- County Assessor's Parcel Numbers: 2824049007, 2924049106, 2924049066 (NBF); 7006700570 (GSP)
- Facility/Site No.: 2050 (NBF); 6487827 (GSP)

Dear Mr. Tochko:

Under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, which governs the cleanup of hazardous waste sites in Washington State, the Department of Ecology (Ecology) may identify persons that it finds are liable for the release of hazardous substances at a site. Before making such a finding, Ecology must provide persons with notice and an opportunity to comment on the proposed finding. Any person whom Ecology finds, based on credible evidence, to be liable is known as a "potentially liable person" or "PLP".

**Proposed Finding of Liability**

Based on credible evidence, Ecology is proposing to find The Boeing Company liable under RCW 70.105D.040 for the release of hazardous substances at the North Boeing Field (NBF) and Georgetown Steam Plant (GSP) facilities (Site). This proposed finding is based on the following evidence:

1. The Boeing Company is the current owner of parcel no. 2924049106 and parcel no. 2924049066 and is one of the operators of parcel no. 2824049007.

King County Assessor Real Property Records

[http://www5.metrokc.gov/reports/property\\_report.asp?PIN+2924049106](http://www5.metrokc.gov/reports/property_report.asp?PIN+2924049106)

[http://www5.metrokc.gov/reports/property\\_report.asp?PIN+2924049066](http://www5.metrokc.gov/reports/property_report.asp?PIN+2924049066)

[http://www5.metrokc.gov/reports/property\\_report.asp?PIN+2824049007](http://www5.metrokc.gov/reports/property_report.asp?PIN+2824049007)

Draft North Boeing Field and Georgetown Steam Plant Summary of Existing Information and Identification of Data Gaps  
Science Applications International Corporation, dated January 2007

2. A draft report prepared by Science Applications International Corporation summarizes releases of hazardous substances at the Site. This document is available at Ecology's Northwest Regional Office Central Records.

Draft North Boeing Field and Georgetown Steam Plant Summary of Existing Information and Identification of Data Gaps  
Science Applications International Corporation, dated January 2007

3. A draft summary report prepared by Science Applications International Corporation states that releases of polychlorinated biphenyls (PCBs), petroleum hydrocarbons, metals, and volatile organic compounds (VOCs) have occurred on the Site. Some of these releases exceed MTCA cleanup levels and pose a threat to human health and the environment.

Draft North Boeing Field and Georgetown Steam Plant Summary of Existing Information and Identification of Data Gaps  
Science Applications International Corporation, dated January 2007

### **Opportunity to Respond to Proposed Finding of Liability**

In response to Ecology's proposed finding of liability, you may either:

1. Accept your status as a PLP without admitting liability and expedite the process through a voluntary waiver of your right to comment. This may be accomplished by signing and returning the enclosed form or by sending a letter containing similar information to Ecology;
2. Challenge your status as a PLP by submitting written comments to Ecology within thirty (30) calendar days of the date you receive this letter;  
or
3. Choose not to comment on your status as a PLP.

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Please submit your waiver or written comments to the following address:

Department of Ecology  
Attn: Mark H. Edens, P.Hg.  
NWRO Toxics Cleanup Program  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008-5452

After reviewing any comments submitted or after 30 days if no response has been received, Ecology will make a final determination regarding your status as a PLP and provide you with written notice of that determination.

### **Identification of Other Potentially Liable Persons**

Ecology has notified the following additional persons that they are potentially liable for the release of hazardous substances at the Site:

1. City of Seattle;
2. King County.

If you are aware of any other persons who may be liable for the release of hazardous substances at the Site, Ecology encourages you to provide us with their identities and the reason you believe they are liable. Ecology also suggests you contact these other persons to discuss how you can jointly work together to most efficiently clean up the Site.

### **Responsibility and Scope of Potential Liability**

Please note that Ecology may either conduct or require PLPs to conduct remedial actions to investigate and clean up the release of hazardous substances at a site. PLPs are encouraged to initiate discussions and negotiations with Ecology and the Office of the Attorney General that may lead to an agreement on the remedial action to be conducted.

Please also note that each liable person is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release of hazardous substances at a site. If Ecology incurs remedial action costs in connection with the investigation or cleanup of real property and those costs are not reimbursed, then Ecology has the authority under RCW 70.105D.055 to file a lien against that real property to recover those costs.

### **Next Steps in Cleanup Process**

In response to the release of hazardous substances at the Site, Ecology intends to conduct the following actions under MTCA:

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Initiate discussions with the named PLPs for an agreed order to conduct a Remedial Investigation/Feasibility Study (RI/FS) to determine the nature and extent of contamination associated with NBF and GSP and evaluate any remedial actions necessary for the Site. More information on beginning negotiations for an RI/FS will be forthcoming after the final PLP determinations have been made.

For a description of the process for cleaning up a hazardous waste site under MTCA, please refer to the enclosed fact sheet.

Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of hazardous waste sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

**Contact Information**

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of hazardous waste sites, please call me at 425-649-7070. Thank you for your cooperation.

Sincerely,

Mark H. Edens  
NWRO Toxics Cleanup Program

Enclosures: 2

mhe/nr